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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,894	09/08/2000	Dennis Lee Rice	Rice-1	2805

7590 03/05/2003
Menotti J Lombardi
ITT Fluid Technology
10 Mountainview Road-North
Upper Saddle River, NJ 07458

EXAMINER

TON, ANABEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,894

Applicant(s)

RICE, DENNIS LEE

Examiner

Anabel M Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-19 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 8, 10, 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al (6,315,435) and further in view of Hessemer et al (3,644,728).
2. Hamilton discloses a housing including a first end; a window in the first end of said housing (lens of 2); a lamp disposed within said housing so as to emit light through said window; a shaft (cut off in figure 2); and, a positioning assembly secured to said housing (4,6,8,12), said positioning assembly including: a first motor operable to rotate said housing in a first plane with respect to said shaft (6), and a second motor operable to pivot said housing in a second plane with respect to said shaft (10); first and second

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planes are different; the first and second planes are substantially perpendicular to each other; an elongated neck, wherein said shaft passes through said neck into said housing (2a); a first gear secured with respect to said shaft, and a second gear being rotatable by said first motor, whereby operation of said first motor causes said first and second gears to engage and rotate said assembly about said shaft in said first plane; a controller electrically coupled to said first and second motors for selectively operating said first and second motors to orient said window so as to emit light in a plurality of directions in said first and second planes, the housing is substantially cylindrical.

Hessemer discloses a motor controlled lamp with a positioning assembly (figs 1 and 2) located within the housing (18,20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Hessemer et al regarding having all mechanical components of its positioning assembly located within a single housing (18,20) with into the searchlight of Hamilton for the purpose of providing a more stream line design, which inherently would provide a housing that would protect the mechanical components from external environmental exposure. Furthermore, with regards to the positioning assembly being located "within" the housing, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the positioning assembly within a specified housing, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Allowable Subject Matter

3. Claims 6,7,9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 14-19 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not recite the following:

- The positioning assembly further comprises a vertical adjustment assembly including first and second perpendicular tubular members and a planar portion, said first motor is secured to said planar portion, and said shaft passes through said first tubular portion
- The positioning assembly further comprises a horizontal adjustment member including a recess for at least partially receiving said second tubular portion and said second motor;
- A washer including a plurality of tabs positioned so as to limit said rotation of said assembly by said first motor;
- The rotation is limited to approximately 380 degrees;
- A first section gear being fixed with respect to said positioning assembly and a third gear being rotatable by said second motor, whereby operation of said second motor causes said first section gear and said third gear to engage thereby causing said third gear to travel along said first section gear and pivot said housing in said second plane.

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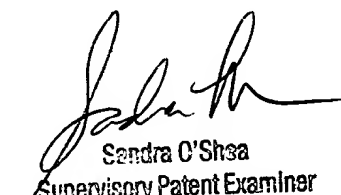
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton
Examiner
Art Unit 2875

AMT
February 27, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800